

authority to decide whether or not the obstructions, of which complaint is made, are of a nature to unreasonably interfere with the passing of vehicles, or can be removed without too much expense, and with a reasonable consideration of the topography of the locality.

SEC. 5. **Not applicable to roads or streets in cities or towns.** The provisions of this act shall not apply to roads or streets in incorporated cities or towns.

Approved April 15, A. D. 1911.

CHAPTER 72.

REGISTRATION OF MOTOR VEHICLES.

H. F. 27.

AN ACT to repeal chapter two-A (2-A), title eight (8), being sections fifteen hundred seventy-one-a (1571-a) to fifteen hundred seventy-one-l (1571-l), both inclusive, of the supplement to the code, 1907, and to enact a substitute therefor, relating to registration of motor vehicles, regulating their use upon streets and highways, fixing penalties for violation thereof, and providing for expenditure of registration fees.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. **Repeal.** Chapter two-A (2-A), title eight (8), being sections fifteen hundred seventy-one-a (1571-a) to fifteen hundred seventy-one-l (1571-l), both inclusive, of the supplement to the code, 1907, as amended, is hereby repealed and the following enacted as a substitute therefor:

SEC. 2. **Terms defined.** The term "motor vehicle" as used in this act, except where otherwise expressly provided, shall include all vehicles propelled by any power other than muscular power, except motor trucks, motor drays, motor delivery wagons, traction engines, road rollers, fire wagons and engines, police patrol wagons, ambulances, and such vehicles as run only upon rails or tracks. The term "local authorities" shall include all officers of counties, cities or towns, as well as all boards, committees and other public officials of such counties, cities or towns. The term "chauffeur" shall mean any person operating or driving a motor vehicle as an employe or for hire. The term "owner" shall also include any person, firm, association or corporation renting a motor vehicle or having the exclusive use thereof, under a lease or otherwise, for a period greater than thirty days. The term "public highways" shall include any highway, county road, state road, public street, avenue, alley, park, parkway or public place in any county, city, town or village, except any speedway which may have been or may be expressly set apart by law for the exclusive use of horses and light carriages.

SEC. 3. **Application—what to contain.** Every owner of a motor vehicle which shall be operated or driven upon the public highways of this state shall, except as herein otherwise expressly provided, cause to be filed in the office of the secretary of state, a verified application for registration on a blank to be furnished by the secretary of state for that purpose, containing:—(a) a brief description of the motor vehicle to be registered, including the name of the manufacturer and factory number of such vehicle, the character and, if the motive power be derived from the products of petroleum, the amount of the motive power stated in figures of horse power in accordance with the rating established by the Association of Licensed Automobile Manufacturers, and the number of cylinders, bore and stroke of each; (b) the name and postoffice address with street number if in a city, including county and business address of the owner of such motor vehicle.

SEC. 4. Operator must be 15 years of age. No person shall operate or drive a motor vehicle who is under fifteen years of age, unless such person is accompanied by the owner of the motor vehicle being operated.

SEC. 5. Application filed and indexed. Upon receipt of an application for registration of a motor vehicle, as provided in this act, the secretary of state shall file such application in his office and register such motor vehicle with the name, postoffice address and business address of the owner, manufacturer or dealer, as the case may be together with the facts stated in such application, in a book or index to be kept for the purpose, under the distinctive number assigned to such motor vehicles by the secretary of state, which book or index shall be open to public inspection during reasonable business hours.

SEC. 6. Registration number—two number plates—duplicate copies—fee. Upon the filing of such application and the payment of the fee hereinafter provided, the secretary of state shall assign to such motor vehicle a distinctive number and, without expense to the applicant, issue and deliver or forward by mail or express to the owner a certificate of registration, in such form as the secretary of state shall prescribe, and two number plates. In the event of the loss, mutilation, or destruction of any certificate of registration or number plate, the owner of a registered motor vehicle or manufacturer or dealer, as the case may be, may obtain from the secretary of state a duplicate thereof upon filing in the office of the secretary of state an affidavit showing such facts and the payment of a fee of one dollar.

SEC. 7. One-half fee for 1911—registration renewed annually. Registration applied for on or before July 4th, nineteen hundred eleven, shall take effect on that date and certificates issued on such application or under any application made prior to December thirty-first, nineteen hundred eleven, shall expire on the latter date. The fees for such registration shall be one-half of the annual fee provided herein. Registration thereafter shall be renewed annually in the same manner and upon payment of the same annual fee as provided in section eight (8) for registration, to take effect on the first day of January, in each year, beginning with that date in the year nineteen hundred twelve. All certificates of registration issued under the provisions of this act shall expire on the last day of the calendar year in which they were issued.

SEC. 8. Annual registration fees. The following fee shall be paid to the secretary of state upon the registration or re-registration of a motor vehicle in accordance with the provisions of this act; eight dollars upon the registration of a motor vehicle having a rating of twenty horse power and less; and for each such vehicle which shall exceed twenty horse power, the owner shall pay at the rate of forty cents per horse power; provided, that if a motor vehicle shall have been licensed for four separate years hereunder, and for which there shall have been paid the annual registration fee herein provided during said period, or any motor vehicle which shall have been in use for a period of not less than four years including the time before and after the taking effect of this act, the annual registration fee thereafter shall be one-half that amount; and further provided, that the annual fee for the registration or re-registration of any electric motor vehicle or any steam motor vehicle in accordance with the provisions of this act shall be fifteen dollars (\$15.00); and provided further that the annual fee for the registration or re-registration of a motor bicycle or motor cycle in accordance with the provisions of this act shall be three dollars (\$3.00).

SEC. 9. Fees in lieu of taxes—tax assessments for 1911 cancelled. The registration fees imposed by this act upon motor vehicles, other than those of manufacturers and dealers, shall be in lieu of all taxes, general or local, to which motor vehicles may be subject. It shall be the duty of the county auditor

of each county to cancel all assessments entered upon the assessor's books against automobiles for 1911, and no assessments upon automobiles, as made by assessors for 1911, shall be carried upon the tax lists.

SEC. 10. Change in ownership—transfer fee. Upon the sale or transfer of a motor vehicle registered in accordance with the provisions of this act, the vendor shall immediately give notice thereof with his name, postoffice address and registration number, and the name and address of the vendee, to the secretary of state, and the vendee shall, within ten days after the date of such sale or transfer, notify the secretary of state thereof upon a blank furnished promptly by him for that purpose, stating the name, postoffice address, and business address of the previous owner, the number under which such motor vehicle is registered, and the name, postoffice address, with street number if in a city, including county and business address, of the vendee. Upon filing such statement duly verified such vendee shall pay to the secretary of state a fee of one dollar, and upon receipt of such statement and fee the secretary of state shall file such statement in his office and note upon the registration book or index such change in ownership.

SEC. 11. May operate 15 days after purchase. Upon the sale of a motor vehicle by a manufacturer or dealer, the vendee shall be allowed to operate the same upon the public highways for a period of fifteen days after taking possession thereof, providing that during such period the motor vehicle shall have attached thereto, in accordance with the provisions hereof, a placard bearing the registration number of the manufacturer or dealer under which it might previously have been operated; and provided further, that application for registration shall be made by mail or otherwise before such vehicle shall be so used.

SEC. 12. Number plates conspicuously displayed. No person shall operate or drive a motor vehicle on the public highways of this state after the fourth of July, nineteen hundred eleven, unless such vehicle shall have a distinctive number assigned to it by the secretary of state, and two number plates with numbers corresponding to that of the certificate of registration conspicuously displayed, one on the front and one on the rear of such vehicle, each securely fastened so as to prevent the same from swinging.

SEC. 13. Plates different color each year. Such number plates shall be of a distinctively different color each year, and there shall be at all times a marked contrast between the colors of the number plates and that of the numerals or letters thereon, said colors to be designated by the secretary of state.

SEC. 14. Number plates described. Such number plates shall be of metal, at least six inches wide and not less than fifteen inches in length, on which there shall be the initials "Ia" and there shall be the distinctive number assigned to the vehicle set forth in numerals four inches long, each stroke of which shall be at least five-eighths of an inch in width; provided that in the case of a motor vehicle registered by a manufacturer or dealer there shall be on such plate in addition to the foregoing the letter "D", each stroke of such letter to be at least four inches long and five-eighths of an inch in width, provided that the number plates for use on a motor bicycle or a motor cycle shall be one-half the size above stated. No motor vehicle shall display the number plate of more than one state at any time.

SEC. 15. Dealers numbers—duplicates—fees. Every person, firm, association or corporation manufacturing or dealing in motor vehicles may, instead of registering each motor vehicle so manufactured or dealt in, make a verified application upon a blank to be furnished by the secretary of state, for a general distinctive number for all the motor vehicles owned or controlled by

such manufacturer or dealer, such application to contain: (a) a brief description of each style or type of motor vehicle manufactured or dealt in by such manufacturer or dealer, including the character of the motive power, the amount of such motive power stated in figures of horse-power in accordance with the rating established by the Association of Licensed Automobile Manufacturers; and (b) the name, residence, including county and business address, of such manufacturer or dealer. On the payment of a registration fee of fifteen dollars (\$15.00) such application shall be filed and registered in the office of the secretary of state in the manner provided in section three of this act. The secretary of state shall thereupon assign and issue to such manufacturer or dealer a general distinctive number, and without expense to the applicant, issue and promptly deliver to such manufacturer or dealer a certificate of registration in such form as the secretary of state shall prescribe, and two number plates with a number corresponding to the number of such certificate of registration. Such number plates or duplicates thereof shall be displayed by every motor vehicle of such manufacturer or dealer when the same is operated or driven on the public highways. Such manufacturer or dealer may obtain as many duplicates of such number plates as may be desired upon the payment to the secretary of state of one dollar for each duplicate, provided that if a manufacturer or dealer has an established place of business in more than one city or town, such manufacturer or dealer shall secure a separate and distinct certificate of registration and number plates for each such place of business. Nothing in this section shall be construed to apply to a motor vehicle operated by a manufacturer or dealer for private use or for hire.

SEC. 16. Dealers to register annually—delinquent lists. Registration provided for in section fifteen shall be renewed annually in the same manner and on the payment of the same fee as provided in section fifteen (15) for original registration, such renewal to take effect on the first day of January of each year. The provisions of section seven relating to first registrations made under this act, and duration of renewals, shall apply to registration and re-registration under this section. Within thirty (30) days after the first of July, 1911, and within thirty (30) days after the first of January annually thereafter, the secretary of state shall forward to the county attorney of each county a list of the owners of automobiles in said county, who may have failed or neglected to pay the license required by this act, whereupon the county attorney shall proceed to enforce the provisions of this act, as herein provided.

SEC. 17. Non-resident owners. The provisions of the foregoing sections relative to registration and display of registration numbers, shall not apply to a motor vehicle owned by a non-resident of this state, other than a foreign corporation, manufacturer or dealer doing business in this state, provided that the owner himself shall have complied with the provisions of the law of the foreign country, state, territory or federal district of his residence relative to registration of motor vehicles and the display of registration numbers thereon, and shall conspicuously display his registration numbers as required thereby. The provisions of this section, however, shall be operative as to a motor vehicle owned by a non-resident of this state only to the extent that under the laws of the foreign country, state, territory or federal district of his residence like exemptions and privileges are granted to motor vehicles duly registered under the laws of and owned by the residents of this state.

SEC. 18. Brakes—signal bell or horn—lights. Every motor vehicle, operated or driven upon the public highways of this state, shall be provided with adequate brakes in good working order and sufficient to control such motor vehicle at all times when the same is in use, and a suitable and adequate bell, horn or other device for signaling, and shall, during the period from one-half

hour after sunset to one-half hour before sunrise, display at least two lighted lamps on the front and one on the rear of such motor vehicle, which rear lamp shall also display a red light visible from the rear; provided that each motor cycle and each motor bicycle shall be required to display but one lighted lamp in the front of such motor cycle or motor bicycle. The rays of such rear lamp shall shine upon the number plate carried on the rear of such vehicle in such a manner as to render the numerals thereon visible for at least fifty feet in the direction from which the motor vehicle is proceeding. The light or lights of the front lamps shall be visible at least five hundred feet in the direction in which the motor vehicle is proceeding.

SEC. 19. Care in meeting and passing. A person operating or driving a motor vehicle shall, on signal by raising the hand, from a person driving, leading or riding a horse or horses, or other draft animals, bring such motor vehicle immediately to a stop, and if traveling in the opposite direction, remain stationary so long as may be reasonable to allow such horses or animals to pass, and if traveling in the same direction, use reasonable caution in thereafter passing such horse or animal; provided, that, in case such horse or animal appears badly frightened or the person operating such motor vehicle is so signalled to do, such person shall cause the motor of such vehicle to cease running so long as shall be reasonably necessary to prevent accident and insure the safety of others. In approaching or passing a car of a street railway which has been stopped to allow passengers to alight or embark, the operator of every motor vehicle shall slow down, and if it be necessary for the safety of the public he shall bring said vehicle to a full stop. Upon approaching a pedestrian who is upon the traveled part of any highway and not upon a sidewalk, and upon approaching a branch or intersecting highway or a curve or a corner or other place in a highway where the operator's view is obstructed for a distance of two hundred feet or less, every person operating a motor vehicle shall slow down and give a timely signal with his bell or horn or other device for signaling.

SEC. 20. Care and prudence in driving machine. Every person operating a motor vehicle on the public highways of this state shall drive the same in a careful and prudent manner, and at a rate of speed so as not to endanger the property of another, or the life or limb of any person; provided, that a rate of speed in excess of twenty-five miles an hour shall be presumptive evidence of driving at a rate of speed which is not careful and prudent in case of injury to the person or property of another.

SEC. 21. Powers of local authorities. Except as herein otherwise provided, local authorities shall have no power to pass, enforce, or maintain any ordinance, rule or regulation requiring from any owner to whom this act is applicable any fee license or permit for the use of the public highways, or excluding any such owner from the free use of such public highways, excepting such driveways, speedways or roads as have been expressly set apart by law for the exclusive use of horses and light carriages or in any other way regulating motor vehicles or their speed upon or use of the public highways; and no ordinance, rule or regulation contrary or in any wise inconsistent with the provisions of this act, now in force or hereinafter enacted, shall have any effect; provided, however, that the power given to local authorities to regulate vehicles offered for hire, and processions, assemblages or parades in the streets or public places, and all ordinances, rules and regulations which may have been or which may be enacted in pursuance of such powers shall remain in full force and effect, and provided further, that local authorities may set aside for a given time a specified public highway for speed contests or races, to be conducted under proper restrictions for the safety of the public; and provided further, that local authorities may exclude motor vehicles from any cemetery

or grounds used for the burial of the dead, and may by general rule, ordinance or regulation exclude motor vehicles used solely for commercial purposes from any park or part of a park system where such general rule, ordinance or regulation is applicable equally and generally to all other vehicles used for the same purpose; provided further, that the local authorities of cities and towns may limit by ordinance, rule or regulation the speed of motor vehicles on the public highways, such speed limitations not to be in any case less than one mile in six minutes, and the maintenance of a greater rate of speed for one-eighth of a mile shall be presumptive evidence of driving at a rate of speed which is not careful and prudent, and on further condition that each city or town shall have placed conspicuously on each main public highway where the city or town line crosses the same, and on every main highway where the rate of speed changes, signs of sufficient size to be easily readable by a person using the highway, bearing the words "City of——", "Town of——": "Slow down to——miles" (the rate being inserted), and also an arrow pointing in the direction where the speed is to be reduced or changed, and also on further condition that such ordinance, rule or regulation shall fix the punishment for violation thereof, which punishment shall, during the existence of such ordinance, rule or regulation, supercede those specified in section twenty-three.

SEC. 22. Penalty. The violation of any of the provisions of sections from three to fifteen both inclusive, of this act shall constitute a misdemeanor punishable by a fine not exceeding fifty dollars.

SEC. 23. Penalty. The violation of any of the provisions of section twenty of this act shall constitute a misdemeanor punishable by a fine not exceeding one hundred dollars.

SEC. 24. Penalties. Whoever operates a motor vehicle while in an intoxicated condition shall be guilty of a misdemeanor. Any person operating a motor vehicle who, knowing that injury has been caused to a person, due to the culpability of said operator, or to accident, leaves the place of said injury or accident without stopping and giving his name, postoffice address, including street and number, and registration number of said motor vehicle, to the injured party, or to a police officer, or in case no police officer is in the vicinity of the place of said injury or accident, then reporting the same to the nearest police station or to a peace officer, shall be guilty of a felony punishable by a fine of not more than five hundred dollars or by imprisonment for a term not exceeding two years, or by both such fine and imprisonment; and if any person be convicted the second time of either of the foregoing offenses he shall be guilty of a felony punishable by imprisonment for a term of not less than one year and not more than five years. A conviction of a violation of this section shall be reported forthwith by the trial court or the clerk thereof to the secretary of state, who shall upon recommendation of the trial court suspend the certificate of registration of the motor vehicle operated by the person violating this section, or if he be an owner, the certificate of registration of his motor vehicle; and if no appeal therefrom be taken, or if an appeal duly taken be dismissed or the judgment affirmed, and upon notice thereof by said clerk, the secretary of state shall revoke the certificate of registration of said motor vehicle, or vehicle in which said accident may have happened, and shall order the certificate of registration delivered to the secretary of state and shall not reissue said certificate of registration or any other certificate of registration to such person unless the secretary of state in his discretion, after an investigation or upon a rehearing, decides to reissue or issue such certificate.

SEC. 25. Penalty. Any person who operates any motor vehicle while a certificate of registration of a motor vehicle issued to him is suspended or revoked, shall be guilty of a misdemeanor.

SEC. 26. **Penalty.** Upon a fourth or subsequent conviction of a chauffeur or owner for a violation of the provisions of section twenty, or of an ordinance, rule or regulation regulating speed of motor vehicles under section twenty-one, the secretary of state upon the recommendation of the trial court shall forthwith revoke the registration certificate of the owner of the motor vehicle used by the person violating said section, ordinance, rule or regulation, and no new certificate shall be issued to such person for at least six months after date of such conviction, nor thereafter except in the discretion of the said secretary of state.

SEC. 27. **Penalty.** Any person making a false statement in the verified application for registration shall be guilty of a misdemeanor punishable by a fine not exceeding fifty dollars.

SEC. 28. **Penalty.** Any person violating any of the provisions of any section of this act for which violation no punishment has been specified, shall be guilty of a misdemeanor punishable by a fine not exceeding twenty-five dollars.

SEC. 29. **Record of convictions.** Upon the conviction of any person for the violation of any of the provisions of this act, the trial court or the clerk thereof shall immediately certify the facts of the case, including the name and address of the offender, the judgment of the court and the sentence imposed, to the secretary of state, who shall enter the same either in the book or index of registration of owners of vehicles, opposite the name of the person so convicted, and in the case of any other person in a book or index of offenders to be kept for such purpose. If any such conviction shall be reversed upon appeal therefrom, the person whose conviction has been so reversed may serve on the secretary of state a certified copy of the order of reversal, whereupon the secretary of state shall enter the same in the proper book or index in connection with the record of such conviction.

SEC. 30. **Prosecutions—procedure.** In case any person shall be taken into custody charged with a violation of any of the provisions of this act, he shall forthwith be taken before the nearest magistrate and be entitled to an immediate hearing or admission to bail, and if such hearing cannot then be had, be released from custody on giving a bond executed by a fidelity or surety company authorized to do business in this state, or other bail in the form provided by law, such bond to be in amount not exceeding one hundred dollars, if the charge be for a misdemeanor, for his appearance to answer for such violation at such time and place as shall then be indicated. In case a person is taken into custody charged with being guilty of a felony in violation of any provisions of this act, such bond shall be in amount not less than one thousand dollars. On giving his personal bond to appear to answer any such violation at such time and place as shall then be indicated, secured by the depositing of a sum of money equal to the amount of such bond, or in lieu thereof, in case the person taken into custody is the owner, by leaving the motor vehicle, or in case such person taken into custody is not the owner, by leaving the motor vehicle, as herein provided with a written consent given at the time by the owner who must be present with such officer; or in case such person is taken into custody because of the violation of any of the provisions of this act other than on a charge of violation of any of the provisions of section twenty-four, and such officer is not accessible, be forthwith released from custody on giving his name and address to the person making the arrest and depositing with such arresting officer the sum of one hundred dollars, or in lieu thereof, in case the person taken into custody is the owner, by leaving the motor vehicle, or in case such person taken into custody is not the owner, by leaving the motor vehicle with the written consent given at the time by the owner, who must be present; provided, that in any case the officer making the arrest shall give a

receipt in writing for such sum of money or vehicle deposited and notify such person to appear before the most accessible magistrate, describing him, and specifying the place and hour. In case such bond shall not be given or deposit made by the owner or other persons taken into custody, the provisions of law in reference to bail in case of misdemeanor shall apply. Where the charge is a violation of section twenty-four of this act the provisions of law in reference to bail in cases of a misdemeanor or felony as the case may be, shall apply exclusively.

SEC. 31. Conviction not a bar to prosecution. A conviction of a violation of any of the provisions of this act shall not be a bar to a prosecution for an assault or for a homicide committed by any person in operating motor vehicles.

SEC. 32. Fees—when paid into state treasury. The registration fees provided herein shall be paid by the secretary of state into the state treasury, on the fifteenth day of each month after same is received.

SEC. 33. Apportionment of fees—county motor vehicle road fund—how expended. Eighty-five (85) per cent of all moneys paid into the state treasury pursuant to the provisions of this act shall be apportioned among the several counties of the state in the same ratio as the number of townships in the several counties bear to the total number of townships in the state, said apportionment to be made by the state treasurer on the first day of April and the first day of August of each year. When such apportionment has been made the state treasurer shall forthwith remit to the county treasurers of the several counties of the state the amount of money so apportioned to the respective counties, and the county treasurer of each county immediately upon the receipt of such money shall charge himself therewith and credit the same to a fund to be designated as the "county motor vehicle road fund", and he shall forthwith give notice to the county auditor of the amount of money so received. The said county motor vehicle road fund shall be expended for the following purposes only; the crowning, draining, dragging, graveling or macadamizing of public highways outside of the limits of cities and towns, and for the building of permanent culverts on such highways. Such culverts shall be constructed of concrete or stone, and said fund shall be under the control of the board of supervisors for said purposes only, and shall be paid out on warrants on said fund drawn by the county auditor, duly authorized by the board of supervisors entered on record. Before undertaking any work of permanent improvement in accordance with the provisions of this act, the board of supervisors shall cause the roads proposed to be improved to be surveyed and the location of all culverts shall be designated and the width and height of grade established, which survey, with specifications of the proposed improvement, shall be filed for record in the office of the county auditor and the work shall be done in accordance therewith.

SEC. 34. Acts in conflict repealed. All acts or parts of acts inconsistent with this act or contrary thereto are hereby repealed.

SEC. 35. When in effect. This act shall take effect July fourth, nineteen hundred eleven, excepting that applications for registration may be made and number plates and licenses issued at any time within ninety days prior to said date, to be effective thereafter.

Approved April 17, A. D. 1911.